

THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.8197 of 1997

Dated:24.1.2007

Between

Security Printing Press Staff Union
Rep., by its President Sathinder
Singh

.....Petitioner

and

1. The General Manager, Security
Printing Press, Mint Compound,
Saifabad, Hyderabad and another.

...Respondents

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ORDER:

This writ petition is filed being aggrieved by an award passed in I.D.No.79 of 1994 dated 19.12.1996 on the file of the Industrial Tribunal-I, Hyderabad.

The petitioner is the Security Printing Press Staff Union, Hyderabad represented by its President.

It appears that members of the petitioner-Union are all working with the 1st respondent-Management. As per terms of the employment, the working hours are 37 ½ hours per week in the Mint as well as the Security Printing Press. The Management wanted to

increase the working hours from 37 ½ hours to 44 hours per week in the case of Mint as well as the Security Printing Press. However, the working hours were not increased insofar as the Mint was concerned. Insofar as the Security Printing Press is concerned, the respondent Management had increased the working hours to 44 hours. Therefore, the union raised a dispute and the matter was ultimately referred to the Industrial Tribunal for adjudication of the following issue.

“Whether the Management of the Security Printing Press, Hyderabad is justified in increasing the working hours from 37 ½ hours to 44 hours?”

The Industrial Tribunal in ID No.79 of 1994 vide Award dated 19.12.1996 held that the respondent is justified in increasing the working hours from 37 ½ hours to 44 hours a week and it is not hit

by Articles 14 and 16 of the Constitution of India. The working hours of the Mint have no relevance in the case of staff of Security Printing Press. The staff of the Press worked for 37 ½ hours in a week from 1982 to 1993. The work load also increased. The working hours of the most of the Central Government employees were increased as per the Fourth Pay Commission Report. The scales of pay were also increased. The employees cannot accept or be allowed to accept a part of the package consisting of working hours and the scales of pay and reject the rest considered to be onerous. The Central Administrative Tribunal, Hyderabad upheld the Government of India decision to increase the working hours in O.S.No.74 of 1988. The matter cannot be reopened and re-agitated. The claim is barred by principles of *res judicata*. The petitioner

workmen are governed by the provisions of the Factories Act and Industrial Disputes Act, 1947. They are entitled to minimum one month's bonus under the Payment of Bonus Act as Industrial workers whereas the other Government servants are not entitled to bonus. It ultimately held that the Government is justified in increasing the working hours from 37 ½ to 44 hours per week. Even before increasing the working hours, notice as required under Section 9-A of the Industrial Disputes Act was issued to the Union and thereafter the decision was implemented.

Learned counsel for the petitioner fairly conceded that in a later decision, the Apex Court held that even increasing the working hours upto 48 hours per week, cannot be said to be unreasonable in view of the Pay Commission's Report since the Factories Act itself prescribes

the maximum number of hours per week could be fixed at 48.

In view of the above, it cannot be said that the Award passed by the Tribunal is either arbitrary or illegal. No ground is made out calling for interference of this Court under Article 226 of the Constitution of India. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

24-01-2007

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